

### Remarks

Claims 1-12 are pending in the present application. Claims 1-12 are rejected. According to the Office Action, Claims 1-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patent as being unpatentable over claims of copending Application No. 10/153,311, as these claims are "either anticipated by, or would have been obvious over, the reference claims." Office Action at 2. Also, Claims 1-5 and 10-12 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application No. 10/749,536.

Applicants have filed with this response Terminal Disclaimers with regard to copending Application No. 10/153,311 and copending Application No. 10/749,536. Applicants believe that this addresses the Examiner's concerns and respectfully request reconsideration of the application, withdrawal of all rejections, and allowance of the application in view of these actions and remarks.

### Conclusion

The Applicants appreciate the Examiner's careful and thorough review of the application and submit that the Examiner's concerns have been addressed by the remarks above. The Applicants accordingly request the Examiner to withdraw all rejections and allow the application. In the event the Examiner believes a telephonic discussion would expedite allowance or help to resolve outstanding issues, prosecution of the application, then the Examiner is invited to call the undersigned at (650) 687-3926. Please direct all correspondence to the following customer number: **37485**.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including further extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 502731**.

Respectfully submitted,



William L. Leschensky  
Registration No. 38,951  
Alexza MDC  
1001 East Meadow Circle  
Palo Alto, CA 94303

TEL: (650) 687-3926  
FAX: (650) 687-3999